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10/519,379	12/27/2004	Kazufumi Tsubaki	8007-1081	3635

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EXAMINER	
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ART UNIT	**PAPER NUMBER**
1651	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/519,379	TSUBAKI ET AL.	
	Examiner	Art Unit	
	Aaron J. Kosar	1651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 August 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15 and 16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15 and 16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/27/04; 3/28/05; 9/06/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Applicant's election without traverse of group II-B in the reply filed on August 20, 2007 is acknowledged.

Claims 14 and 17-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on August 20, 2007.

The restriction is deemed proper and, therefore, made final.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claims 15 and 16 are pending and have been examined on the merits.

Information Disclosure Statement

The information disclosure statements (IDS) submitted on December 27, 2004, March 28, 2005, and September 6, 2006. The information disclosure statements have been placed in the file and have been considered by the examiner. Numerous references presented in the IDSs are foreign-language documents and have been: not considered (as indicated by lined-through reference on the IDS); considered to the extent presented in the English language (English abstracts, translations, or partial translation of the document); or considered to the extent claimed in the specification or corresponding document (issued U.S. patent, English abstract/English portion of a foreign patent, etc.).

Specification

The disclosure is objected to because of the following informalities: The specification appears to be a literal translation of a foreign document. Numerous words and phrases in the specification appear to have unclear translations. For example the phrase "not allowed to grow" (page 21, ¶1, line 17) is an unclear translation, the term "ones" (page 22, ¶ 4, lines 19-25) is unclear as to the object which it refers, the word *defamers* (page 23, ¶3, line 20) appears to be a typographical error of defoamers, the term *wet volume* is unclear if it refers to weight to volume (w/v) (page 24, line 27), and the term "left" (page 63, ¶3, line 28) is unclear if the term refers to a selected (e.g. remained/left alone) or discarded (e.g. left out/excluded) sample. Please note, the above errors are not exhaustive. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Appropriate correction is required.

Claim Objections

Claim 15 is objected to because of the following informalities: The abbreviation, ITS, appears to refer to an *intergenic* (or *internal*) *transcribed spacer* region; however, the specification and claims do not present the unabbreviated term and abbreviations may have multiple meanings. For the sake of compact prosecution, ITS has been interpreted to mean an internal transcribed spacer; however, this does not absolve Applicant from the requirement to address this rejection. Recitation of the expanded term adjacent to the first instance of the abbreviation "ITS" in the claims and/or specification would be sufficient to overcome this ground of rejection.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention is directed to non-statutory subject matter. The claimed microorganism of claims 15 and 16 is drawn to subject matter claiming the organism comprising SEQ ID No. 2 as well as organisms comprising equivalent sequences. The latter "equivalent" group may be reasonably interpreted as comprising naturally occurring species and are thus drawn to non-statutory subject matter. Furthermore, the claims do not require any manipulation (e.g. purification, isolation, etc.) and/or transformation of the organism to distinguish the claimed (and/or deposited) microorganism from naturally occurring organisms.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 15 and 16 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The invention appears to employ a novel strain of *Aureobasidium pullulans* ADK-34 (FERM BP-8391) to obtain a specific product. The written description of that strain and the method of isolating is insufficiently reproducible. Therefore, a deposit for patent purposes is required.

The specification discloses at pages 20-21 that an organism was deposited at an International Depository Authority (IDA), namely the International Patent Organism Depositary (IPOD).

For compliance with the rule, it must be averred that deposited material has been accepted for deposit under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the purpose of Patent Procedure (e.g. see 961 OG 21, 1977) and that all restrictions on the availability to the public of the material so deposited will be irrevocably removed upon the granting of a patent. MPEP 2403.

Additionally, as the deposit must be referred to in the body of the specification and be identified by deposit (accession) number, date of deposit, name and address of the depository and the complete taxonomic description (e.g. as presented on page 21 of the specification).

Claims 15 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The MPEP states that the purpose of the written description requirement is to ensure that the inventor had possession, as of the filing date of the application, of the specific subject matter later claimed by him. The courts have stated:

> "To fulfill the written description requirement, a patent specification must describe an invention and do so in sufficient detail that one skilled in the art can clearly conclude that "the inventor invented the claimed invention." *Lockwood v. American Airlines, Inc.*, 107 F.3d 1565, 1572, 41 USPQ2d 1961, 1966 (Fed. Cir. 1997); *In re Gostelli*, 872 F.2d 1008, 1012, 10 USPQ2d 1614, 1618 (Fed. Cir. 1989) ("[T]he description must clearly allow persons of ordinary skill in the art to recognize that [the inventor] invented what is

> claimed."). Thus, an applicant complies with the written description requirement "by describing the invention, with all its claimed limitations, not that which makes it obvious," and by using "such descriptive means as words, structures, figures, diagrams, formulas, etc., that set forth the claimed invention." *Lockwood*, 107 F.3d at 1572, 41 USPQ2d at 1966." *Regents of the University of California v. Eli Lilly & Co.*, 43 USPQ2d 1398.

The MPEP lists factors that can be used to determine if sufficient evidence of possession has been furnished in the disclosure of the Application. These include "level of skill and knowledge in the art, partial structure, physical and/or chemical properties, functional characteristics alone or coupled with a known or disclosed correlation between structure and function, and the method of making the claimed invention. Disclosure of any combination of such identifying characteristics that distinguish the claimed invention from other materials and would lead one of skill in the art to the conclusion that the applicant was in possession of the claimed species is sufficient." MPEP § 2163.

Further, for a broad generic claim, the specification must provide adequate written description to identify the genus of the claim. In *Regents of the University of California v. Eli Lilly & Co.* the court stated:

> "A written description of an invention involving a chemical genus, like a description of a chemical species, 'requires a precise definition, such as by structure, formula, [or] chemical name,' of the claimed subject matter sufficient to distinguish it from other materials." *Fiers*, 984 F.2d at 1171, 25 USPQ2d 1601; *In re Smythe*, 480 F.2d 1376, 1383, 178 USPQ 279, 284985 (CCPA 1973) ("In other cases, particularly but not necessarily, chemical cases, where there is unpredictability in performance of certain species or subcombinations other than those specifically enumerated, one skilled in the art may be found not to have been placed in possession of a genus ...") *Regents of the University of California v. Eli Lilly & Co.*, 43 USPQ2d 1398.

The MPEP states that for a generic claim the genus can be adequately described if the disclosure presents a sufficient number of representative species that encompass the genus. MPEP § 2163. If the genus has a substantial variance, the disclosure must describe a sufficient

variety of species to reflect the variation within that genus. See MPEP §.2163. Although the MPEP does not define what constitute a sufficient number of representative species, the courts have indicated what do not constitute a representative number of species to adequately describe a broad generic. In *Gostelli*, the courts determined that the disclosure of two chemical compounds within a subgenus did not describe that subgenus. *In re Gostelli*, 872, F.2d at 1012, 10 USPQ2d at 1618.

The factors considered in the Written Description requirement are (1) *level of skill and knowledge in the art*, (2) *partial structure*, (3) *physical and/or chemical properties*, (4) *functional characteristics alone or coupled with a known or disclosed correlation between structure and function*, and the (5) *method of making the claimed invention*.

In the instant case, the claims are drawn to a microorganism having an ITS-5.8S rRNA gene comprising SEQ ID No. 2 or equivalent base sequence.

(1) Level of skill and knowledge in the art:

Whereas isolating and identifying microorganisms, including *Aureobasidium pullulans* species, by resistance to cycloheximide is routine in the art (Lachance, et al. Yeast.1997,13, 225-232 : which teaches the use of cycloheximide as a screening marker of microorganisms), the level of skill and knowledge in the art is low especially as it pertains to the *a priori* determination of the myriad organisms potentially having the particular SEQ ID No. 2 or base sequences equivalent thereto.

(2) Partial structure:

The specification discloses a single organism, *Aureobasidium pullulans* ADK-34 (deposited as FERM BP-8391, herein referred to as "ADK-34"), having SEQ ID No.2. The specification provides a list of microorganisms having sequence homology (percent similarity) with ADK-34. The specification teaches that organisms (emphasis on the plural) may be "wild

strains, stock strains, strains deposited with culture collections, mutants, ..", but does not further describe an organism meeting the claimed criteria except for the deposited ADK-34 strain. The claimed group of microorganisms having SEQ ID No. 2 is disclosed; however, no "equivalent" sequence(s), *as claimed* by claim 15 and no correlation between the claims and the assays/examples and homology percentages is disclosed. The structure (SEQ ID) of the microorganism is disclosed, but no correlation between the base sequence and β-glucan production is presented.

(3) Physical and/or chemical properties and (4) Functional characteristics:

The specification discloses that the organism deposited as FERM BP-8391 has the ability to produce beta-glucan and has a resistance to a concentration greater than 20 μg/ml of the antibiotic cycloheximide. The specification also teaches twenty strains having varying degrees of resistance to cycloheximide, including four (ADK-34, ADK-71, ADK-77, and ADK 82) which have resistance against cycloheximide concentrations greater than or equal to 20μg/ml (table 5).

(5) Method of making the claimed invention:

The specification discloses selection method for culturing and screening a series of microorganisms. The specification also names a series of microorganisms comprising various homologies to the claimed microorganism and various degrees of production of β-glucan among the species.

As stated *supra*, the MPEP states that written description for a genus can be achieved by a representative number of species within a broad generic. It is unquestionable that claim 15 is a broad generic, with respect to all possible compounds encompassed by the claims. The possible structural variations are limitless to any class of microorganism, to any sequence having any

degree of equivalence, and any production of β-glucan or potential to produce β-glucan, and any degree of resistance to cycloheximide.

Though the claims may recite some functional characteristics, including the organism FERM-8391 comprising SEQ ID No. 2, the claims lack written description because there is no disclosure of a correlation between a particular sequence and it's correlation to β-glucan production beyond the microorganism deposited and disclosed in the examples/specification. Moreover, the specification lack sufficient variety of species to reflect this variance in the genus since the specification does not provide any examples of derivatives. While having written description of *Aureobasidium pullulans* (FERM BP-8391) and compounds identified in the specification tables and/or examples, the specification is void of any peptides, organic molecules that qualify for the functional characteristics claimed as the biomolecules, and polymers with functional characteristics that qualify.

The description requirement of the patent statue requires a description of an invention, not an indication of a result that one might achieve if one made that invention. See *In re Wilder*, 736, F.2d 1516, 1521, 222 USPQ 369, 372-73 (Fed. Cir. 1984) (affirming rejection because the specification does "little more than outlin[e] goals appellants hope the claimed invention achieves and the problems the invention will hopefully ameliorate.") Accordingly, it is deemed that the specification fails to provide adequate written description for the genus of the claims and does not reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the entire scope of the claimed invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "a microorganism..secreting and producing β-glucan *out of fungi*" is indefinite, because it is unclear what the phrase "out of fungi" defines. The term "out of" may have multiple meanings, including (a) on the exterior of (extracellularly), (b) originating from within and secreting/excreting, or (c) consuming/subsuming (digesting and converting).

It is also, unclear how the *microorganism* is capable of secreting and producing β–glucan out of *fungi*. It is unclear if the microorganism and fungi in the claim are the same or different organisms.

The phrase "or a base sequence ..equivalent thereto" is indefinite. It is unclear whether the phrase refers back to the ITS-5.8S rRNA gene (the complete base sequence) or to the 563 base sequence.

As each of the multitude of interpretations ("out of fungi"; the interrelation of the microorganism/fungi; and the association of equivalent sequences (above)) is a reasonable interpretation of the claims and each interpretation embraces different subject matter, it is unclear what subject matter Applicant intends to claim. Thus, one would not be able to determine the metes and bounds of the claims, rendering the claims indefinite.

The terms "based on" and "equivalent" in claim 15 are relative terms which render the claim indefinite. The relative terms require a context sequence to defining the complete "base

sequence" and a definition of the tolerances/gradations among equivalent/non-equivalent sequences. The terms "based on" and equivalent" are not defined by the claim, and the specification does not provide a standard for ascertaining the requisite degree, thus one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

The term "resistance to cycloheximide" in claim 16 is a relative term which renders the claim indefinite. The term "resistance" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. While the specification defines a relative comparison of resistance of the claimed microorganism versus reference species (specification, page 21), the status of the resistance of the reference species is not defined. Thus is it unclear whether a tested species having greater or lesser resistance than the test species would be considered to have resistance. The specification also discloses a preferred antibiotic concentration of 20ug/ml, but does not require a concentration limitation in the definition of resistance. Lacking a clear indication as to what defines resistance versus non-resistance, it is unclear which organisms would be considered according to the claimed invention to possess resistance to cycloheximide. Thus one would not be apprised as to the subject matter embraced by the claims, rendering the claims indefinite.

Claim Rejections - 35 USC § 102/103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 15 and 16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over YURLOVA (Yurlova, et al. "Intraspecific Variability and Exopolysaccharide Production in *Aureobasidium pullulans*", Antonie von Leeuwenhoek. 1995, 68, pages 57-63.).

The claims generally drawn to a microorganism which has SEQ ID No.2 or an equivalent base sequence and which is capable of producing and secreting the exopolysaccharide β-glucan. The dependent claims further teach antibiotic resistance of the microorganism versus cycloheximide.

The cited reference of YURLOVA discloses a composition comprising *Aureobasidium pullulans* and other fungal species which appear to be identical to the presently claimed microorganism, since Yurlova teaches that the microorganisms produce exopolysaccharide and that *A. pullulans* species differ only slightly from each other in their optimal medium-dependent polysaccharide production (abstract). Yurlova also teaches that morphological biomarkers of colony pigmentation and chlamydospore formation "cannot be used as taxonomic criteria" (page 62, ¶1). Consequently, the claimed microorganism appears to be anticipated by the reference.

In the alternative, even if the microorganism (the "composition") (e.g. with respect to the rRNA sequence, β-glucan production, antibiotic resistance) is not identical to the referenced composition, with regard to some unidentified characteristics, the differences between that which is claimed and that which is disclosed, is so slight that the referenced composition is likely to inherently possess the same characteristics of the claimed composition, particularly in view of the similar characteristics which they have been shown to share (e.g. of the same taxonomic species; having "slight" variation; ability to produce exopolysaccharide, etc.). Thus, the claimed composition would have been obvious to those of ordinary skill in the art within the meaning of 35 USC § 103(a).

Accordingly, the claimed invention as a whole was at least *prima facie* obvious, if not anticipated by the reference, especially in the absence of sufficient, clear, and convincing evidence to the contrary.

Claims 15 and 16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over NAVARINI (**D**: PTO-1449 12/27/2004) or

MISAKI (PTO-1449 3/28/2005: Machine Translation of English Abstract of JP62-201901) or MISAKI (Misaki (I); PTO-1449 12/27/2004: EP 0236124 A2).

The general teachings of the claims are above.

The cited references of NAVARINI or MISAKI or MISAKI (I) disclose a composition comprising *Aureobasidium pullulans* and other fungal species which appear to be identical to the presently claimed microorganism, since the references teach that the microorganism is of the same taxonomic species as the claimed microorganism and that *A. pullulans* produces the exopolysaccharide, β-glucan. Consequently, the claimed microorganism appears to be anticipated by the references. With respect to claim 16, though Navarini/Misaki/Misaki(I) are silent with respect to testing *A. pullulans* microorganism (including ATCC 9348 and IFO 4464) versus cycloheximide, the microorganism would be expected to intrinsically possess the resistance to the antibiotic, such that the claimed microorganism would be anticipated by the microorganism taught by the prior art, especially in the absence of evidence to the contrary or in the absence of evidence and correlation as to the criticality of the claimed resistance upon the identity of the organism including the effect upon the capability of β-glucan production/secretion.

In the alternative, even if the microorganism (the "composition") (e.g. with respect to the SEQ ID No. 2 and cycloheximide resistance) is not identical to the referenced composition, with regard to some unidentified characteristics, the differences between that which is claimed and that which is disclosed, is so slight that the referenced composition is likely to inherently possess the same characteristics of the claimed composition, particularly in view of the similar characteristics which they have been shown to share (e.g. of the same taxonomic species; ability

to produce exopolysaccharide β-glucan, etc.). Thus, the claimed composition would have been obvious to those of ordinary skill in the art within the meaning of 35 USC § 103(a).

Accordingly, the claimed invention as a whole was at least *prima facie* obvious, if not anticipated by the reference, especially in the absence of sufficient, clear, and convincing evidence to the contrary.

Please note, since the Office does not have the facilities for examining and comparing Applicants' composition (microorganism) with the compositions of the prior art, the burden is on applicant to show a novel or unobvious difference between the claimed product and the product of the prior art. *See In re Best*, 562 F.2d 1252, 195 USPQ 430 (CCPA 1977) and *In re Fitzgerald*, 619 F.2d 67, 205 USPQ 594 (CCPA 1980), and "as a practical matter, the Patent Office is not equipped to manufacture products by the myriad of processes put before it and then obtain prior art products and make physical comparisons therewith." *In re Brown*, 459 F.2d 531, 535, 173 USPQ 685, 688 (CCPA 1972).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Kosar whose telephone number is (571) 270-3054. The examiner can normally be reached on Monday-Thursday, 7:30AM-5:00PM, ALT. Friday,EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn can be reached on (571) 272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aaron Kosar
Examiner, Art Unit 1651

SANDRA E. SAUCIER
PRIMARY EXAMINER